

## City Council Special Called Meeting Transcript – 02/22/2017

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>> Mayor Adler: Alright, we have a quorum, not that we need one for this, but it's certainly better. No action to be taken today, but we do have a work session that we're going to call to order. Today is February 22, 2017; we are in the Boards and Commission room down here at City Hall. It is 1:04 p.m. So this was something Mr. Guernsey that you and the consultants requested that we schedule -- in part council, to be able to just explain some things that they thought would be good for the community to be able to see and have access to. In part this is to talk to us, but as we posted on the message board, optional for councilmembers, no requirement to be here. We said it at the last minute so I think a lot of people or some people may have conflicts. But the real value of this, frankly, is to have it videoed and posted. So that the community has the opportunity to be able to watch it or to be able to pull it back. To that end council let's hold our questions until they have a chance to go through their presentation, make note of the questions that you want to ask. And that way they have the continuous run of the presentation because -- if somebody wants to watch it and then we can ask questions. >> Can I ask one question first. >> Mayor Adler: Yes. >> I'm trying to understand what is in here that we have not already been presented? >> [Indiscernible]. >> Mayor Adler: Really high level tell us what's in here that we haven't already gotten. >> Since it's out, we've had a couple of town halls, I thought this would be an opportunity to ask questions and provide some feedback from what we have already heard. I don't know how much time we have, in we wait until this is over and we only have two hours. I have to leave before that two hours are over. >> Greg Guernsey, planning and zoning department. The presentation is about 35 minute. You will have a chance to get questions in. We've heard a lot from the community about concerns about compatibility standards, nccds, we're going to cover those a

[1:07:26 PM]

little bit more in-depth and I think we will go over a couple of other things as well. There will be plenty of time to ask questions at the end of the 35 minute presentation. >> Mayor Adler: I think part is in response to some of the questions they have been hearing. Maybe some of the requests that you have will be answer. >> I'm joined today by Peter park consulting to my right, to his right is Kathryn Slama with [indiscernible] And John, I think she's going to start it. I will turn it over to John. >> Thank you, Greg. As we mentioned a second ago, today's presentation is going to be about 30 to 35 minutes. A quick update on the outreach process, dive deeper into very specific topics in the zoning portion of the land development code and then we'll have a chance at the end after the question to talk a little bit about next steps, how we see things going on over the next few months. So in terms of process, February 1st

we had the rollout, the public event that followed you both the council update and the planning and zap update. We had over 500 people show up. A mix of people from the various 10 districts and a mix of owners and renters that attended that event. This past Saturday we had the first of the five public open houses. In which over 100 people attended. And over the next few Saturdays, staff will be running these open houses and those dates have been confirmed now and the locations and so you can see here on the slide just each of those locations and when those will be occurring.

[1:09:27 PM]

We talked with you all a little bit about the ability for members of the public to comment directly on the code and online as of Tuesday, as of yesterday, we had 184 registered users we had over 228 comments added. The breakdown is approximately about a quarter of those are questions, they are questions that have been asked of the team, what -- for more explanation and our goal is to answer those questions and put answers on the website for those questions that have been asked about -- about two-thirds of the questions have been recommendations or suggestions that we will look at and consider for the planning and zoning draft to come out later this year. About 8% of the -- of the comments are put on -- were responses to either a question or a recommendation or a suggestion. So we have seen this already to be a pretty invaluable tool in terms of gathering input, we really appreciate all of those people who have used this tool and been able to provide very specific questions and put it -- locate it in the code as to what -- what their concerns or recommendations are. Again our efforts here are really to implement imagine Austin and those principles of growing impact and connected city, integrating nature in the city, all of these wonderful efforts that came out of that document. Today specifically as I mentioned earlier, talking about the zoning code portion of the land development code, 23-4. We wanted to dive into this portion of the code for a couple of reasons. One is this conversation about what does it mean to be connected. I'll talk a little bit about the standards that we have in the new draft. General to all development. This section of the code really has to do with the

[1:11:27 PM]

redevelopment of larger sites, four acres or larger. Opportunities really to do in-fill, think about additional parks, additional street networks. It's really to meet these kind of aspiration priorities that we set forth and we feel that we've accomplished in the code. So that -- it's about connecting new subdivisions. As new development happens that it's connected to the community around it. That the scale of the streets and the development along the streets is human scaled. It relates to people, but also accommodates cars. And really importantly about this portion of the code, it's about anticipating future growth. So those are the regulations that are going to go in and happen as your city continues to do planning, as it continues to grow, as these larger sites turn over and change maybe from an existing 20 or 30-year-old shopping center, some of the larger parcels that you have within your community. One of the things that I mentioned this applies to four acres or larger, these little snapshots are just to show you the land in the city, where those parcels are four acres to 10 acres, that's in green parcels that are 10 to 30 acres. Then in the dark blue, parcels that are over 30 acres. This is really important to think about because as the city continues to grow and change over time, these are the opportunities to provide large amounts of connectivity. To think about more civic and open space. To really be able to plan for the future. And so in this section of the code, we talk about connectivity, about streets, blocks, civic spaces. The use of alleys. The use of transect Zones or even non-transect Zones in terms of how this city would grow. It's really important that we pull forward existing block standards that you have, we have calibrated them now so that you have for different parts of the city, for different Zones that you will be

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implementing with, a calibration of the size of blocks. In the past you had a one-size standard. One standard for the entire city. But that ignored the fact that your downtown grid it's about 300 feet by 300 feet. It's a -- it's a very historic, very typical of the time grid. You find that in east Austin as well, in parts of the core of the city, communities. That there's a scale of block that is about 300 by 300, but as you move into different parts of the city, that block scale changes. It adjusts and so the code -- recognizes that, the different parts of the communities will have different levels of connectivity, but they all will share that DNA of having a higher level of connectivity than you currently get today under the existing code. His also talks about -- also talks about lots. How those lots should be oriented to streets. As lots tend to get smaller, how alleys really provide an additional benefit to smaller lots, usually lots that are 50 feet or narrower, really benefit from the use of alleys. And the idea that you need to provide connected civic and open spaces that are -- that are -- that are spread out throughout the development, throughout the neighborhood. But that are -- that provide access to -- to these spaces. So that was really a discussion about how we move Austin towards being more connected, more walkable at that bigger scale right beyond the individual small scale project that you all have. In terms of specific to Zones, we talked a lot about this with you all in the end of January, we talked about the Zones and the framework that is formed there. But we recognize that part of the discussion is how do we strengthen neighborhoods,

[1:15:30 PM]

provide [indiscernible] For people, diverse houses places in those diverse places and how to make it so you can walk to shops and services. I think the important thing that we tried to emphasize last time, that while the zoning does all of that, it's really providing a size of tools that will let you right size the zoning to each community within Austin. We hope that what we have accomplished is to provide a clearer set of zoning districts that are clearer in their intent, clearer in their use for all users of the code. And we recognize that one of the conversations that we touched on really lightly when we last met with you all was compatibility. We recognize that this is -- it's an important concept and an important tool, but we would like to be able to walk through a little bit about how we think that we have refined that tool and made it more effective in the music zoning code and more predictable. So currently today, article 10, your existing compatibility is based on this diagram. It's a really simple diagram that explains that -- that next to essentially single family houses, there should be a buffer between that single family house and developments next to it. As you get further away from that property, buildings can get taller and relate to the building of the single family house. This diagram is relatively straightforward. It goes from, you know, the property to 540 feet away. The complexity in that, though, happens when you take that simple diagram and you actually apply it to existing conditions in Austin. So when you apply it to the existing single family Zones and the existing single family uses, you end up with these very colorful maps here and these colorful maps are showing that simple section, a simple diagram, how that actually gets implemented when you apply those rules across the ground. So you Indiana up with these maps that show where develop can happen, can't happen and how tall. And the issue with this is

[1:17:31 PM]

that the question that I pose on this slide there is what happens when that single family house in the middle of this map gets torn down? What happens if that house is moved into a different part of the community or relocated? What happens if that is a single family use and it changes over to another use?

This map changes and the maps that we're showing today are actually from 2015 when we did the sound check and we were able to work with the community on some concepts. I guarantee that the maps that we have here tonight is different than the map that we have today because your city is constantly changing. Uses are changing, zoning is changing. So this map is always in flux. You never know exactly what you can and can't build. Because it is always dependent on what is -- what is the zoning at that moment in time and what are the single family uses at that moment in time. In relationship to any individual property. So this is one example of that. Here's another example where again on the top, top right, there's a single family house that is having compatibility affect many properties adjacent to it. What happens to this map if a new single family house is built just to the left on one of the parcels there? Again, the map changes. I bring this up because, you know, in our listening and in our reaching out to both staff and hearing stories from planning and zoning, you know, we heard stories about developers who came in, trying to do everything the community asked. They were trying to do a building that met all of the height regulations in capability, that met the intent of the neighborhood plan, that met all of these requirements that are spelled out. But what was missed in the process was that there was a single family house next door, which was no longer being used as single family use. It was no longer actually even zoned single family. It was zoned cs. It had a beauty shop in it. But what was found out in the process was that beauty shop never actually applied

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for a permit so officially that parcel was still a single family use and suddenly compatibility standards applied to this parcel. Whoever didn't find that out until it was already in front of planning and zoning. It was very much late in the game. This is the -- this is the problem, the lack of predictability about this process is that it is a system which inherently is constantly in flux. Inherently you always have to be checking what's going on. And I feel in many ways it provides a little bit of anxiety if you are either a resident or a developer. If I'm a resident I'm worried about is a single family house being taken down. If I'm a developing or property owner who might be considering building something, I'm worried is there a single family house being built, because that could dramatically change what I could do on my property. And so one of our approaches is in the transect Zones we have tried as we talked about bake in that compatibility into the Zones. We have taken the concept of stepping buildings, stepping back height and baked it into the Zones. We provided more diverse set of building heights, so we start off with a lot more Zones that are closer in height and compatibility with -- with neighboring properties. But we also feel that it's -- that it's a question of mapping, right? So we talked last time, when we talked about -- about when I presented to you all, a little bit about this map here where we're showing on the left south Lamar, in the middle of the drawing where the first arrow is, south first. On the right is south congress. Where we talked a little bit about this where this again is that diagram showing different heights where in those places that are truly constrained, like parts of south first shown here in the middle or south congress, can we talk about just replacing the zoning with zoning that outright starts off with the fact

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that you should be starting with the zone that has that compatibility already built in. You are already at that three-story height that the community was asking about. You have built in the rear setbacks that were being asked for, so you have compatibility without having to constantly ask what happens if a family house gets built or torn down or use changes over? And again as I mentioned, just this idea of the different heights of the Zones that we have a variety of Zones that allow you to do both residential development, mixed use development, or even all commercial development at a variety of heights. The other thing that I wanted to talk about was about compatibility was just that again in talks about the

diversity of housing types that we're allowing for. So here again there are just slides of some of the different building types that we're allowing for. Some of them are duplexes, ads, multi-plexes, medium, small. We have a diverse palette of Zones, we thought about which is the appropriate range. We also recognize as we move forward with the mapping, as we move forward with the conversation with the community, these Zones, the mix of building types make change. Will likely change. That we may need additional Zones that provide either a greater diversity of missing middle or maybe a more refined set of missing middle. So we expect as we mentioned before that this framework will change over time. With that I would like to ask Kathryn to talk a little bit about how compatibility is being applied in the non-transect Zones. >> Thanks, John. Okay. So we've talked a lot about how compatibility has been integrated, but what does that really mean? We talked about how compatibility has been improved and what does that mean in the non-transect Zones compatibility has been simplified and added

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into the base zone requirements for commercial and non-transect zone much rather than turning to a different section to find out what your height and set back allowances are it's built right into the development centered tables. Another thing that's a little bit different is the way that we talk about compatibility. So there are now a set of Zones that what we say trigger compatibility. Low to medium intensity residential non-transect Zones, all T 3 transect Zones. If you are adjacent to or across the alley for any trigger Zones you must comply with compatibility requirements. What's also new is that compatibility is triggered only by zoning rather than the use. Areas that are zone for commercial or residential growth or intensity are allowed to develop accordingly. In its areas that are not directly adjacent are no longer impacted by compatibility. While it's common to regulate adjacent properties, you know, those that may have the potential greatest impact on their neighboring properties, it's uncommon and overly restrictive to regulate non-adjacent properties up to 540 feet away, which is the current capability regulations. And -- compatibility regulations. Typically this is larger than a city block in downtown Austin, greater than the height of the Frost Bank tower and twice the height of the Capitol dome. So now that we've defined what is affected, what is -- what does that really mean? There are building heights, there are building setbacks added to the residential and commercial non-transect Zones. Meaning if you are a higher intense community residential use located adjacent to one of those lower intensity or 3 T

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transect Zones, you need to be set back further from the property lines. This works in conjunction with height to ensure that your higher intensity use isn't overpowering and overshadowing your lower intensity residential zone. So as we reviewed and analyzed the requirements, the impact of compatibility, the team also looked at what the city has already done in terms of unraveling compatibility requirements. One example is the east Riverside corridor. That illustrates how the effect of compatibility regulations can actually be achieved by mapping the right Zones in the right locations. So as I alluded to before, the complex height requirements of existing compatibility has been simplified into maximum height requirements depending on your proximity to this triggering zone or triggering lot line. These standards are written into each of the individual Zones, meaning that they can be tailored for each individual zone. So there's no longer, you know -- they are written today to be applied similarly across all Zones, but we do have the flexibility to then tailor intensity or potentially conflicting Zones with different compatibility setbacks in different sections. The difference is observed mostly after you get 100 feet away from this triggering property. Where the base zone standards now apply. This is not to say that your height is unlimited once you get 100 feet away from a triggering property. It just means that the base zone standards apply. There are still many Zones that allow only 40 feet in

height. There are many Zones that allow no more than 60 feet in height. It's important that we utilize the right type of Zones in the right locations to ensure compatibility.

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So this image shows how the new height restrictions work as compared to the existing compatibility standards. So the Orange shaded area shows the existing compatibility requirements and allowed height as you move further away from a single family zone. The gray area shows the similarities, and it's kind of hard to see, but the gray areas overlap between zero and 100 feet away. The blue shows how the regulations allow -- the new regulations allow additional height on non-adjacent properties or properties that are, you know, further than 100 feet away from this triggering zone. A couple of things to point out with this chart is that it doesn't show the character of the surrounding neighborhood, doesn't show the urban context. It doesn't show where this property lies on the imagine Austin growth corridor concept map. It doesn't show what the buildings look like or even the landscaping, screening or other urban design tools that can be applied to soften areas of transition. This chart only shows maximum height. Doesn't show other development standards in the code. Such as set backs, there are very few incidences where these are actually within 100 feet of a single family area. Only 14 acres in the city, in fact, which is less than .100 of a percent of city land is 100 feet within a single family area. Then similarly to the east Riverside corridor examples, compatibility can be accomplished in other ways, including utilizing that full range of zoning tools. So as we review and contemplate these new tools, the question shouldn't be how does this differ from the existing requirements, but instead does this help us achieve our goals, our goals of compact, connected,

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inclusive, affordable, sensitive to the environment and is this better than what we have today? And if we start to incorporate other considerations, such knowledge form and setbacks, we can start to get a better idea of how these new regulations work on the ground. As you will see the difference between the existing and proposed in a zoomed in setting within 100 feet of a single family or a T 3 zone, it is not as different than the previous map made it seem. So in addition to capability, we have observed that a significant amount of the public discourse is focused on pieces of the existing code that seem to be missing in the new draft. And in explaining what happened to these zoning tools is complex, more than one answer because it needs to be considered in the context of the text as well as the map. And in some cases the intent of the tool has been captured in the new code so that the tool is no longer needed. We found a simpler and more straightforward way to English the same goals -- accomplish the same goals. In other cases we don't recommend keeping the tool going forward but we don't want to -- it's not a viable option to implement the [indiscernible] Tools but we have been able to provide new tools moving forward. In some cases the tools can continue to be used. We have new tools that can complement and supplement that, but in some cases you can continue to use some of these same tools today. Again, so as we talk about changes to the new code, you know, questions shouldn't be what's removed or what appears to be missing, but are these the right tools, are they better, are they

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more simple, are they more predictable than what we have today. Conditional overlays to date have an a negotiation tool, a way to fix inadequate zoning in the base zoning regulations. This has increased complexity and perpetuated [indiscernible] No one is ever quite sure what the outcome could be. Therefore as a tool we don't recommend this practice be carried for. In its place we offer more effective

base Zones that address a variety of contexts and places. Getting to the right zone and the right place without negotiations. We also offer improved processes allowing discretionary approval of land uses and the ability to impose conditions on the use rather than the zone. So what happens to those that already exist? Again, in some cases we have, you know, we have created new Zones and new tools that accomplishes the intent of the original conditional overlay. So we can map this area with one of our new Zones. There may be conditional overlays that are so complex that there's no better way or simpler way to achieve the same goal. In these cases the conditional overlay would remain as it is today, unchanged. And when we say unchanged, yes, it would continue to utilize title 25 for its uses, its base Zones and other development regulations, but title 25 would exist in a locked state. You are able to use it as referenced for these rare and unique cases. Now so what about neighborhood conservation combining districts and tods, we have heard a lot about these as well since the text has been released in January. So as of now, we recommend that the existing nccds and tods remain unchanged. Whether as an nccd or tod on

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the map, there is no change. It would continue to rely on title 25 zoning uses similar to the co that's are too complex. However, we don't recommend perpetuating these processes in the future. We feel that the draft code provides new and better tools to accomplish the same goals. Tools to preserve Austin neighborhoods, to accommodate pedestrian oriented development near transit. So there's new uses, new tools and new approval procedures. So now we would like to open it up to questions. >> Mayor Adler: I know that the mayor pro tem also has some questions. >> Sure, you gave the example of the overlay districts, then you made some what I think are really good points. Why -- why we're not going to use certain kind of tools anymore. But that wasn't in here. So I guess it would be really nice -- one thing that you said was getting to the right place without negotiation. You said several things like that that make sense and I believe are true. This is going to be such a difficult process I know. When you are going out and talking to the community, we have someone who is very specifically -- they care about overlay districts. I'm not going to know exactly what how to respond. Is it possible to get some kind of chart that -- that gives us the reasons for this? So, you know, when someone calls my office and asks why did they get rid of this, I can refer to that -- that's not to just say I'm going to say it because it's there. But I want to know what the justification is of why it was done that way and then, of course, I will make a decision for myself whether I think that's right or at least an ability to explain well this is what the reason was and tell me -- I'll ask

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them tell me what you this I about that so I understand their concerns. But I think that would be helpful. Aside from that, I don't -- I don't really have any questions. I have some kind of more general ones, but I will let somebody else go. >> Mayor Adler: Okay. Mayor pro tem? >> Tovo: Thanks for the presentation. I guess on a similar note, I heard several times emphasized the point that we shouldn't be asking what's been changed or what is now missing from the code. But please understand that is going to be a natural question. I and others will be asking it because we need to understand where certain provisions and protections and enhancements are in this new code. And that is a perfectly reasonable request, I think, from members of the public as well as members of this council. And so I hope that you will be patient with that and provide as much information as possible. I think there have been several requests for kind of a mapping tool to help people understand where things have moved to and I think that would be extremely useful in looking through the code to the extent that I have. It is a little challenging to see what is new and what is changed and that's -- that's just an important part of the evaluation that I'm

going to do as well as people I know who are working through it. That being said I wanted to talk about compatibility. I'm not sure that I followed that chart. I wonder if we can just talk about it on page 45. For one thing I'm not familiar enough with the new abbreviations to understand what this means. If you can just really break it down and let us -- just go through it much more slowly. >> Yes, absolutely. So what you see is a two-scale model of -- of

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height on -- height and then distance from a residential zone. So what you see is that for the first 50 feet away from a -- from a low to medium intensity, so that's your lmdr, which is give Lubbock police department to somewhat of an sf 3, rural residential, very low density residential, these types of Zones, within 50 feet of that, regardless of what your base zone allows, you can't build anything higher than 30 feet. That matches the existing compatibility regulations of today. Then between 50 and 100 feet of -- of distance away from that zone, regardless of what your base zone entitlement is, you can't build anything higher than 40 feet. The proposed regulations also align with how things are regulated today. At that 100-foot distance from that zone is where things begin to change a little bit and what we show with the dotted lines and the various zone abbreviations is that there are several different options of what could happen there. And these are all the non-transect residential and commercial Zones that are triggered by compatibility. So these are the ones that must comply with the compatibility regulations have adjacent lot line to a -- to a low density residential area. What these are indicating are that there are many commercial and residential be non-transect that have serious heights of 25, 35, 40, 60, 80, 90, 100. >> Tovo: Can you give us an example of say what is CC. >> Yes. So CC -- >> [Indiscernible]. >> Wc is warehouse commercial. >> Tovo: I asked what CC was. >> That is your commercial

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core. >> [Indiscernible] >> It would be -- the commercial core would be somewhat equivalent to your dmu only located in and around the downtown area. >> Tovo: Currently dmu typically has a height attached, dmu 60, dmu 80. Is it more aligned with what is currently CBD or are those dmu distinctions going away and they're all simply the same height? >> Houston: Excuse me, mayor. Mayor pro tem, could I ask for the people who are watching and listening, if you all would say what the words means to these acronyms, because everybody out there -- the people that you talk to at the town halls are not going to know what acronyms mean. If you will just say that, I think people would appreciate it. >> Yes. So the commercial core is equivalent to the dmu, which is the downtown mixed use today, which has a height maximum of 120. That is how this commercial core or this CC zone was developed. According to the existing entitlements -- existing base zone regulations of that dmu zone. >> Tovo: Was I remembering that incorrectly, that there are not downtown mixed use Zones that are different height? I thought they were. >> Greg Guernsey, planning and zoning again. There are downtown mixed use or downtown Zones with conditional overlay that we have imposed a lower limit to match the downtown plan. So there is include a conditional overlay some instances where dmu is less. But the base district of dmu is 120. >> Tovo: I'm walking this one through to get an example of how our existing code is interacting with the proposed code. So in this new configuration, are those distinctions that are done through the conditional overlay and the downtown

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plan preserved or not? Those distinctions which lowered the max entitlement in the downtown mixed use. >> I think that you will end up seeing that when we actually get to the mapping portion because the

districts, although they may allow for various heights, until you actually apply them on the map, that's where you'll see where they would align closer to probably what would be in the downtown plan. >> Tovo: I guess that I need to understand whether that was closer to a yes or a no. Sorry. >> Yes, there are -- >> Tovo: You can understand why this is confusing -- >> Yes, there are districts that would limit heights that could be similar to those that are in the downtown plan. >> Tovo: Okay. Thank you. Where is the fastest place to see what hdr, vhr, can you point us to where the feed is in the code? >> The acronyms listed here are the residential and commercial non-transect zone, so these would be located in 23-4-d. Title 23, chapter 4, article D. These would be divisions 3 and 4, which outline all of the residential non-transect Zones and all of the commercial non-transect Zones. It will give the name, the acronym and the intent of that zone. And then -- then councilmember, John Mickey also pointed out, there is somewhat of a cheat sheet for all Zones that has been provided in the handout, that will all transect Zones and non-transect Zones, the list of Zones themselves and their acronyms.

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>> Casar: The last thing that I wanted to -- you are saying there are only 14 acres in the city where these types of Zones would likely be within the 200 feet of the -- of the low density single family? >> Yes. That's correct. So in the instances of [indiscernible] Hdr, which is equivalent to an mf 5 or an mf 6 today or hc, highway commercial, which is equivalent to the existing commercial highway, so ch, in existing title 25 zoning, we did some gis analysis and there are only 14 acres of -- of low to medium intensity residential areas. These are the areas that you want to protect. There's only 14 acres of land that are within 100-foot buffer of those higher intensity areas. >> Casar: That's helpful. So then obviously the CC would likely be nearby residential areas nearby a CBD. So I guess the -- the question for me is that while this is helpful, if you are saying that there's actually not that much land that is that would be impacted by this is the greater change the fact that we would then now start having compatibility regulated by the -- by the zoning as opposed to the use; is that a bigger -- I mean, if there's a story to be taken away from this, it's that the bigger shift -- as far as how many acres are impacted, the bigger shift if a single family house is sitting on commercial zoning, that would not trigger compatibility. It would be based on the zoning, which to me seems to make sense. Correct? >> Mayor Adler: Correct. >> Yeah, that's correct. >> Then I think another point with -- with that, councilmember, is that with those vhr or hc, that 14 acres, the question will

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then become, you know, is that an acceptable transition? Is it acceptable to have that, you know, if you are located on a highway commercial area, is that an acceptable tradeoff or do those areas that have that potential impact need to be mapped with a more appropriate and compatible zone. Are those 14 acres, do they not have the right zoning right now, do they need to be rezoned in a way that there wouldn't be such a disparate height difference within the buffer. >> Casar: We're really talking about three things. One in this change one how it is that we manage low and medium density residential near downtown in the domain, for instance. How we deal with those 14 acres in particular and then understanding the tradeoffs of having compatibility regulated by zoning as opposed to these -- >> [Indiscernible] >> Council, the reason why we're not talking about central business district our central business district, the CBD zoning that we have downtown is not subject to compatibility. Kathryn is talking about dmu. If you are wondering why we're not talking about cbz, central business zoning, it's just not subject to compatibility. >> Mayor Adler: In Flannigan and then Ms. Pool. >> I want to clarify something. For transect zone, the zone sets the height and the form of the building and that this little subtitle says non-transect zoning, so this distance from zoned the height is only applying to the non-

transect zoning. I am finding it very difficult to have this conversation without the map. Because inherently we're

[1:47:56 PM]

envisioning the worse case scenario with every dot, line, idea. We are naturally, inherently predicting the worst case scenario. If you look at this chart in another way, if you look at this chart another way, nearly every single non-transect zone has less height because of this 100 to 200-foot. In the old system it goes up, this system would stay flat. That's a reduction of height from distance based on -- in theory, right? The problem is without a map, I don't actually know what I'm talking about. That's a problem, I think. I'm also struggling on what input the community really needs to be having, what input us as councilmembers need to be providing before April. Go ahead. >> Mayor Adler: Peter? Peter park. >> You make an excellent point on the limits of -- of the limits of how much critique we can make of the text without the map. Number one the good thing is that you have committed to doing the map and the text rather than this just being an exercise in updating of a code, right? So the map is coming. So -- but it does also -- I think in some ways, help us to -- to maybe channel the attention and the discussions about the critique of the code and I don't know this might be a helpful way to think about it, when you think about the improvement of codes, we are really looking at -- at sort of three primary aspects of the code. The -- the format of the

[1:49:56 PM]

code that is how is it organized, the chapters, the hierarchy of the chapters, that sort of a thing, right? The -- the formatting of how it communicates, right, how graphics are used and illustrations are used, right? So that's format. The second aspect, there's a lot of improvements that we think we are delivering with regard to improving the format and the legibility, communication of the requirements. The second major area of improvement is in the procedural aspects, right? The different processes to get to the decisions around things. The -- the processes related to the number of days for notification, which there's high variation today with not a lot of explanation where some were this many days, others that many days other than when that piece of legislation was written someone thought 15 days made sense, two years later someone else said 20 days looks good. This is a chance for you to look the a the procedural aspects and the steps in the review of an application to determine conformance. So there are a lot of things related to procedural decision making that have been consolidated and cleaned up in this draft. And then the third area of improvement in the code is really what we would describe as kind of the substantive, the substance of the code, the heights, the setbacks, the uses, right? This is where we are, a little bit limited on making any conclusions about whether that height is appropriate, too high or too low or whether that range of missing middle housing possibilities is good or bad. Until we actually see how those things play out on the map, right? So I think that's one -- we're very happy that you are making that point

[1:51:56 PM]

because at least, you know, we think that in terms of the discussion about the draft code that's available now, perhaps we ought to prioritize the discussions really around the format, is it a better format? Does it communicate better? Easier to navigate? Do people, you know, does -- is it a better organization than today? And in terms of the processes and the procedural pieces, do we think that those are -- you know, an improvement in terms of fairness, in terms of consistency and that sort of a thing. And that we reserve the amount of critique and conclusion in the critique in the more substantive aspects until we

have the map to actually understand how these things play out. You are absolutely right. In these kind of diagrams it is displaying sort of, you know, people are always looking at compatibility, was the low thing, and what's the highest possibility of something. When you see that contrast, that's what attracts the eye. So you could say well it's possible within 100 feet a tall building could be next to a small building, so there's a complete failure of this draft. It's like well, no, it's rarely going to happen and we don't know if it would happen, right? But let's not characterize the different approach to dealing with compatibility as that extreme condition. >> Flannigan: Another question, you mentioned nccds and cos that there are exist will be preserved. Is that just in non-transect areas or all zoning? >> So nccds will essentially apply to non-transect Zones in the sense that your existing title 25 will essentially still apply where nccds are used. You will still be referencing back to sf 3 --

[1:53:58 PM]

>> Flannigan: Primary non-transect or -- >> Exclusively. >> Okay. >> Then moving in the future as nccds might be updated there's the opportunity to consider using either non-transect Zones or Tran sect Zones to -- >> Is there a reason why we wouldn't do that now? >> Nccds are a lot like planned unit developments where these are essentially highly negotiated standards. Any [indiscernible] Or even nccd the standards that you find in there are completely different than any other part of the city. They are so specific and so tailored to a place that there -- they are not as easy to consider baking into a new zoning district or creating a zoning district that would be widely applicable across the city. >> Flannigan: Okay. >> Getting to the cos, there are those cos where we know the regulations are essentially saying in the neighborhood we are okay with this being commercial, okay with three stories, we don't want any automotive uses. We have created Zones that essentially give you all of that in a base zone so we are able to not have to use the co in that situation. There are other cos that are highly complicated in what they're asking to be done, they don't share commonality with other cos in the city, in some of those those will be carried forward and -- >> It really is apparent when one looks at the map, right? >> The other question and councilmember Houston and I had the opportunity to tour her district with her this week. It was very enlightening to see how district 1 experiences development different than district 6. One of the things that I noticed that councilmember Houston pointed out was

[1:56:01 PM]

people use the word compatibility differently and whereas in this document we talk about compatibility as a measure of height. One of the conversations is about compatibility in the measure of form. More of a design compatibility. When you look at slide 37 where you have listed examples of small house form, medium house form. If I lived in a neighborhood that had houses that looked like that duplex stacked, and I was thinking that my neighborhood was going to start looking like that duplex front and back, it's a completely different style, I would be worried about the future of my neighborhood. As opposed to a duplex front and back that looked from a design perspective similar to the stacked. Is that type of design compatibility part of transect Zones and non-transect zone, how does that get applied? Or is that even a thing? >> Sure. This is a really great point. I think in past presentations we've talked about compatibility in the city of Austin because it is what we have talked about today is article 10, which is compatibility standards. It's residential design standards which have to deal with the compatibility of the massing of single family houses and then you have the commercial design standards which again has to do with the massing and the form. All these of those deal with more massing and form and not so much architectural detail. As you described contemporary designed front and back duplex versus the more traditional one. Those conversations about the architectural style are -- in the nccds, you do start to find

discussion about architectural style. Like Hyde park talks about the style of your picket fence in your front yard. So nccds provide that opportunity to really dial in architectural standards.

[1:58:04 PM]

Some codes provide that. That is not something that we have done. We have not provided architectural standards. >> Flannigan: All right. Thank you. >> Councilmember, Flannigan, you did want to go back to one thing that you mentioned earlier just to build on transect Zones. And apologies because I realize the title on this slide is incorrect. It should say transect zone districts, not non-transect zone. Compatibility is baked into the transect Zones in T 3s, T 4, we have taken compatibility requirements standards, residential [indiscernible] And baked them into the zone. In the T 5 Zones, we have included a baked in article 10 compatibility step backs. When a T 5 property is adjacent to a T 3 or a low to medium intensity residential zone, your sf 3 of your existing sf 3 or sf 2 style Zones, you would have additional step-backs, that's shown in this diagram in the dark purple, within the first 25 feet, that T 5 [indiscernible] Can only be one story. Between 25 and 50 feet, it can be three stories. And then after 50 feet, you can go to the full height of the zone. So it's a little faint there. Apology for the planning commission, we had a blow up of the actual T 5 zone where you can see the step backs that talks about that. >> You are also killing me on my color blindness here. I literally cannot read this. [Laughter]. >> Mayor Adler: Ms. Pool and then Ms. Houston. >> Pool: Do you have an online glossary of terms that we can refer people to. Glossary. >> Chapter 2 has both terms, three categories, terms that are used throughout the land

[2:00:06 PM]

development code, then land uses, separated those out because it's easier sometimes to find land uses, then a section on measurements, how do we measure height, how do we do different types of measurement. One can look at, I want to say chapter -- definitely 23-2. >> M. >> M has terms and land uses and measurements. >> Pool: So we can refer folks who are listening to chapter 23.2 and then go to M for all three -- >> Correct. >> Pool: Okay. That's great. Then what websites would you recommend people go to, to look at, if they want to learn more about the concepts that are being discussed? I'm guessing maybe your website would be one. But are there other -- where would people go if they wanted -- in the community so they can be as, you know, kind of get up to speed on the concepts before coming to -- we had our first community meeting on Saturday, right? And so there will be at least four, if not more, after that. >> So there's definitely the codenext website. And I would encourage everyone, there is a frequently asked questions portion of that website that our intent is to consistently update. So as we hear more questions, periodically we will be updating them adding more answers there. You can definitely go to our website at our office, [indiscernible], to learn more about both form based codes and the practice of how we approach doing zoning and kind of community character within communities. But we can also provide additional links. >> Pool: For the codenext website Austin, Texas dot gov slash codenext. Opticus.com is you guys,

[2:02:06 PM]

Peter, do you have a website? >> [Indiscernible] >> Pool: That's helpful. I wanted to check in with staff on a separate item. Not what has been presented here, but this made me think about where the next meetings are going to be. There's four already additionally scheduled and then we were looking to have another one that would be in the part of the city where district 7 and district 10. >> We are looking at possibly holding another meeting and we will probably have that figured out towards the end of this week about the exact location. But yes I've been contacted by two offices about that. That concern. >>

Pool: Okay. Then on the setbacks that we were talking about on page 43, we have an -- a couple of interesting cases in front of us right now that are asking for some pretty high, pretty significant heights, higher than what are generally in Austin outside of the CBD. And define for the listeners at home the -- the boundaries of the central business district. I-35 on the east -- >> Generally it's I-35 on the east, Lady Bird Lake on the south, Lamar Boulevard on the west and Martin Luther King, Jr. Boulevard to the north. Very -- >> Pool: Between first and 19th. >> Generally that's been referred to -- most of the larger buildings to the south of the capitol for the most part. But some buildings have been requested of taller heights between the 11th and 19th. >> Pool: So if you were going to build a 400-foot being at 15th and Red River, would -- where would that fall in our non--- I don't know if that would be a transect or non-transect zoning district, where would that fall? >> I don't --

[2:04:07 PM]

>> We've talked about mapping that right now. That property may actually be zoned CBD today. Possibly. I would have to take a look at a map to actually see. But as I said, CBD zoning has unlimited height, not subject to compatibility. Has an 8-1 -- [indiscernible] -- Floor to area ratio which is the area of land versus the area of occupied building square footage, but downtown buildings could be up to a T 6 as Peter is talking about. We've only really talked about maybe two or three places in the city where you might have a T zone that might get up that high. One is downtown and one might be in the domain and then there's a place called Robinson Ranch, which is on the northwest side of town where the two railroad tracks cross by Austin White Lime that is part of a 45 year land development agreement in decent PD that you might actually get heights that could be as high as that. >> Pool: Here's where the definitions for example of the central business district are really important so we know what we're talking about. So I'm on board with the maps and I think we've talked about this the last two or three meetings that we've had with you guys. I think it's going to be hard for people to really start digging into what's being proposed until they can start seeing it on the map. I was also interested on page 14, we talk about directing growth. And you may know from your research in Austin that Austin has tried through various means to direct future growth. To try to anticipate future growth. As long as I've lived in this city, we've been talking about anticipating future growth and I've been here since 1980. Some of the things that we've done, we had desired

[2:06:07 PM]

development zones, and, you know, trying to get -- [audio lapse]. Development -- development and we still don't know how to make that sort of thing happen because we don't really have the ability as a municipality to direct or to mandate where -- where development happens. So do you have any tools to offer if we really did want to say that through this zoning approach we're going to tell you this is where the height is going to be, where it's not going to be, this is where the density is going to be, here's where it's not going to be. Other than simply locking down, to use one of the terms I think that somebody here mentioned locking down, I think it was on chapter 25 when you can't have -- where you can't have any variances because we may be schooled sufficiently to say we're not ever going to make any variances, approve any variance requests, but, you know, five or 10 years from now, that -- that may change. So given the fact that the city of Austin has not really been very successful at directing where growth is, recognizing that some of us would like to manage growth by directing where certain types occur, and the same with the community, what -- what will this do to help us maybe achieve that? >> Sure. In particular, the -- the portion of the code that has to do with connectivity, general to all development, [indiscernible] large scale projects, give me the tools -- when you do future planning, you will do future planning even after Codenext, that you have those tools in place already that are already outlining to a

developer or someone who is proposing something what are the expectations on connectivity that we expect that there's a high degree of connectivity, that we expect there's a diversity of open spaces that are

[2:08:07 PM]

provided, that we expect that there will be a hierarchy of streets that they are accommodating for humans as well as vehicles. And so I think what we have here in the code is both the tools for the larger sites and the tools for the actual development in the parcels that can help you in that conversation. But that discussion about you as community deciding on where that growth happens and how you encourage it, it's both part of what you have in imagine Austin and what you have in the ability every five years to update that and think about, are there things that have changed since imagine Austin passed where we're seeing there is growth and maybe we need to think a little bit harder about how it grows there. You have the existing tools and processes that you all do in terms of small areas plans, thinking about that, where the city is going to invest its capital to help leverage what's done by the private development. So I'm not sure if it's not -- I don't think codenext in and of itself is going to help you guide it. But it is providing you the tools for as you do planning processes, you can lay out your expectations of what -- what growth would look like. >> Probably our most recent change was the addition of the south central waterfront that being a center that was not there before. So zoning through the codenext will be taking a look at that area and treating that differently than maybe we did when imagine Austin was first applied because the south central waterfront as a node center was not anticipated. This codenext doesn't stop zoning changes. Property owners still can make a zoning change request. We may have some day a request that might come in that somebody would request a large enough development, they own a large enough property, they may request that the map change and a - and a change to imagine Austin, be it some sort of small area plan or tod that we would come in and

[2:10:08 PM]

actually do a planning process and implement new zoning to implement that. This doesn't stop that from happening and it's a continuous process. >> Pool: Okay. On page 17 where you talk about block size, I was curious, you talk about new standards are calibrated for creating walkable and connected environment. Are you talking about retrofitting existing neighborhoods or is this for new neighborhoods or how does this apply? How does block size apply? >> Sure. So the standards that are general to all development apply to four acre sites and larger. So if it is an infill situation where a four acre parcel is being redeveloped, these block standards are intended to break that, subdivide that parcel into smaller lots. In terms of other infill situations where you run into where you might have an acre or you might be along north Lamar, you might be just be 150 feet wide by 350 feet deep like in the perspective that we have shown in the past, that's where really your transportation plan and where the future connectivity is being requested would -- would play into effect. So where are your transportation plans asking for additional connectivity to happen? And they will -- that plan usually indicates where -- where future connections should be made. >> There may be other accommodations that may come up given the area that might be located. You might have floodplain which may not make some connections possible because we want to limit, you know, the creek crossings or risk of people people in harm's way. Steep slopes, you may have situations where it's not practical and necessary to overlay a perfect grid over an area that -- that has those severe creek floodplain areas or steep slopes. >> Pool: That's good, that's good. Then the last one on my

[2:12:09 PM]

notes here was just page 21 where it talks about strengthening neighborhoods and we've all been talking a lot about how much change to the interior primarily of the neighborhoods that people in Austin would see and I appreciate having an additional slide here to talk about and I know the mayor has talked about respecting the existing neighborhood plans. I've said the same. I think most of us have because we recognize the amount of effort and care and concern and frankly the love that residents, be they renters or homeowners put into places that they live. That's what we could when we make someone place a home. I think we need to keep this uppermost in our minds is that the message that we are sending to the community is that we are not upending any apple carts. That we want to overlay a new kind of a language. Seems to me that we're talking in a different language but the words are the same. Is that a close analogy, because if you're changing the terms for things, like sf-3 is no longer sf-3, but now it's going to be -- what did sf-3 turn into >> 4d? 4c? C? So -- lmdr. >> Low density residential or low immediately density residential. >> Pool: Which underscores the need for that glossary and kind of a crosswalk so sf-3 is now lm-lr. >> Lm-dr. >> Pool: Dr. >> Just so you know, one improvement in the code is right now the acronyms we have for districts don't necessarily match the use of the districts, and so all the residential districts now end with R, all the commercial districts end with C, all the industrial end with I so it's

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a little easier to trace some of the districts by looking at the acronyms and what -- than what we've had in the past. >> And the acronyms are, like -- there's gonna some time that everyone gets used to the different terms. If you use low medium density residential it's more descriptive than sf-3, sf-1, sf-3, sf-1, is it one more or less? Is it the most tense? So low density, medium, right? We think in terms of the naming of them, they make longer acronyms and more letters but they're more descriptive of what the zone is actually about. >> Councilmember, in terms of that tracking, so the 232m will not tell you lmdr is -- will yield sf-3. Again, in the workbook that was provided back in January, and it's on the website, the second-to-last page on the Zones gives you the names of the new Zones and then in the right-hand corner will give you the old acronym so you can see what happened to sf-3, what happened to the different Zones. And it's also in informant other outreach packet material that was provided to you on some of the posters. >> John, I just want to jump in there. I want to clarify, the table is very useful but I'd like to point out it's inspiration. So, you know, the lmdr, the low and medium density residential is inspired by sf-3 so it's not necessarily going -- there has been improvements, same thing with all of the non-transit Zones. They are inspired by existing Zones. But the -- you will see that there may be instances where standards may have been modified a little bit and then

[2:16:11 PM]

they're also -- the addition of transit Zones to then also deal with different aspects of some of these sf-3 situations. As well. >> Pool: Okay. Okay. But you are still not changing the zoning that's existing in the city, right? >> We are changing the zoning in the entire city, but there are some districts under the new ordinance that might be similar to the old ones but not exactly the same. I think that's what Katherine is saying. So we are going to send out a notice to every property owner in the city, every neighborhood organizations that registered, utility customers that currently are on the list and we'll be going through a city-wide zoning change. When we implement the final version of the code, we'll be implementing the final version of the map. There will be three drafts of the. First draft will come out April 18. There will be another version of the map that will come out with a second version of the code after receiving input from the public over the many months, and that will probably come out at the end of August so the

planning commission and zoning and platting commission can consider and then when the final after council takes first reading action we'll have a final version of the map and a final version of the code for your consideration and approval. >> Pool: Okay. So back to the -- >> Sorry. >> Pool: We have been talking for a number of months about how this change is a terminology change, it's not changing the zoning. We may call it something different, but sf-3 remains sf-3 but it will be under a different acronym. Are you saying that -- and the -- >> I would love to clarify. >> Pool: Please. >> That point. I'll ask Katherine to help me out on this about why do we say the new lmdr is not

[2:18:11 PM]

exactly the same as sf-3? We say it's not exactly the same because while the setback standards are the same, height standards are the same, there are differences, right? We talked a little bit about this -- the residential design standards so those properties that used to be under residential design standards now on the page 4 lmdr it says if you're in the urban core of the city these are the height regulations. That's different than what you would have seen in your sf-3 zone because in the past defined that you had to go outside of the sf-3 zone and you had to go find the residential design standards and understand them. And so we have baked in a lot of those elements, but items like impervious cover haven't changed, building setbacks haven't changed and residential -- the heights are still the same, but where sf-3 is a lil' different now is in the urban core where residential design standards apply because now you don't have to go outside the zone. So when we say that they're not -- they are -- they still have the same DNA of the original zone, they just have some additions added into them. >> Pool: If you were gonna put a percentage then on how much of the city changes in its zoning under this new regime, what percentage would you put on it? >> Kind of hard to -- >> Pool: Mayor, do you know -- do you understand where I'm going with this? Because we have been hearing that a majority of the city won't change. Even as much as 95% or 97% -- as 95 or 97% won't change under this. I just want to get some clarity to be sure what I'm hearing here today is not at variance with what we have been saying up to this point. If I may.

[2:20:15 PM]

>> So the -- I wouldn't hazard a guess to say what the percentage amount would be. But I would say that probably most places in Austin won't see a drastic change, perhaps to the type of zoning that may be there, whatever form that might take -- take place later on the 18th. But it's difficult for me to say exactly how much -- how many acres or how many square miles or what the exact percentage would be that you'd see a significant change. Because part of that is informed by imagine Austin, it's informed by the neighborhood plans, it's informed by the topography that exists, the existing land uses that exist out on the properties and in general what the zoning is today. So all of that plays a part in how we would move -- how would we move forward with zoning. >> Mayor Adler: Do you want to address that question? >> I think I would say I would agree with Greg's response in that I can't give you a percentage. I can tell you that it is the majority of the city, the zoning standards will -- and, again, we do have to say not significantly change. Because the setbacks by far are the same, the heights are the same. But even here if you look at the table, lmdr now is a combination of sf-3 and sf-4b because sf-4b is a very, very small percentage of our city is actually applied with that zone. But the majority of the city will have the same setbacks, heights, and entitlements that they have today when the maps come out. I can't tell you if that's 97% or it's 60%.

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I can tell you that it is likely going to be much higher than just 51%. So it is not going to be 51.1%, but beyond that I can't -- I couldn't tell you yet. >> Mayor Adler: And my perception is a lot of it depends on what you mean by change. We're talking with a group of almost all engineers here. [ Laughter ] So if -- there will be changes because there are differences in the count in the classifications. As I understand this. In some instances the setbacks are -- the heights are lower, closer to building. So they're not exactly the same, which is where I think these guys are being held up here, because they're different. But my understanding from the earlier conversations, and correct me if I'm wrong, is that without saying is it exactly the same, because it's not, because there are changes, and you're incorporating compatibility into classifications that weren't in there before, so something that incorporates compatibility in it as opposed to having it separate is a change but yet some of the neighborhoods aren't going to feel that as being an intrusion into the neighborhood quality. So it was -- so if we relax what changes, the question I think that councilmember pool is asking is one that the community is thinking, is are we going to see lots of changes in lots of neighborhoods around the city? And I think that's the question. Is there a sense for that, Peter? >> Well, I mean you're right. It is a question of how do we define change. Because under your current zoning you're seeing a lot of change. I mean, your community is changing. It's getting changed now, right? And so the question is, just -- we can't say it's just

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simply changing the name of the zone, right? Because there are some of these -- say, the nearest equivalent new zoned district is this, right? So as folks look at the code and especially as when we have the maps and we can talk about what -- current zoning is this, here's what's being proposed using the new zone and here's what the difference is. And I think it will become more readily apparent. And to your earlier point about sort of the -- some of the concepts being applied here, I mean, I think one of the things that -- and as come to mentioned, right, in terms of -- councilmember tovo mentioned, right, in terms of we all need to be conscious in terms of our starting point is the zoning code that you know today, the way that you deal with zoning today, and what's being proposed. Our charge was to provide a better code, and so implicit in that, it's gonna be different. Right? And so in the difference, what we need to make sure is that the things you care about, the work that gets done in your code today but maybe kind of not so consistently or not so clearly still gets done, but in a clearer way, in an easier to understand way. That's really what we're trying to achieve. The discussion about compatibility, for example, I know it's kind of complicated, today, or your nccds or your co tools, all those tools, as Katherine mentioned that have evolved to compensate for the ineffectiveness of your base Zones. Right? And in that, as an approach of laying stuff on top of base Zones and adjusting them in different ways, results in

[2:26:20 PM]

things that, you know, you have these unintended consequences of compatibility constraints really suppressing surrounding properties' property rights because of a particular use that may be quite an outlier when you look at the whole area, but the reach of that suppression is pretty significant in holding back the ability for other property owners to realize their property rights, as -- if you read the face value in the zoning, right? So some of the technique that's being used and proposed in -- we're trying to explain it in terms of compatibility, right? The topic of compatibility. We're talking about how you get compatibility, not where does the compatibility -- did the compatibility standards go. Because the compatibility standards, we don't really call it compatibility, right? You use the term "Compatibility" and you'll you're really talking about is adjusting heights, as you mentioned, right? But it's not really anything to do with compatibility, other than height, suppression of height. When we talk about compatibility,

we're creating new Zones that are more compatible in their height, in their location, in their setbacks, right? In multiple dimensions that, as we say baked in, the standards that shape the development are in essence compatible standards rather than relying on another mechanism to get -- gain compatibility. Right? So, again, we know that it's gonna take some time for everyone to sort of absorb this, but, again, I think it's a lot in the format and a lot in the procedural pieces perhaps that, as -- today we just have the text available. We should really try to prioritize the conversations around how the code is different and better with regard to the format and how it communicates and the processes. >> Mayor Adler: Ms. Houston, did you have a question? >> Houston: Thank you.

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Thank you again for being here. On slide 15, I'm sure that you've given us this information in the past but just so I have some orientation, can you give me north-south, where is I-35 in here so that I can see where the over 30-acre lots are? >> Sure. So I think we can give you another version of this map with some street labels and the highways on it so you can better understand this map. But generally speaking, I think in the part that we zoomed in on we are in the northeast portion of the city limits of Austin. The smaller map that's up and to the right shows the overall city, but we can have this map -- we can ask staff to work on creating a map we can share with the council districts. >> Houston: I think that would be helpful because there are already some lots that I don't -- because I can't tell, like at I-35 and Ben white across from the omni and Ben white across from Harry Honda where there are huge lots, large footprints, but I can't tell if those are there, but I do see a lot of those in the eastern part of the crescent and so that concerns me. So if that would be helpful if I could tell where those are. Then I'm sure you talked about this before. On 21, neighborhood plans, which we've talked about, are pretty much gonna stay intact but tell me about all the overlays that are currently in place in some of those neighborhoods. Talk to me just a minute about what happens to those overlays of that either enhanced entitlements in some situations, some areas which I'll talk about later have done a pretty good job of conserving. Some neighborhoods. But in others they have exacerbated and enhanced entitlements which have --

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well, just tell me about the overlays. >> Thank you, councilmember. So with the neighborhood plans you are correct in that the neighborhood plans themselves stay in place, as well as the neighborhood plan overlay. But in addition to the neighborhood plan overlay -- and we've talked about this in a few other meetings, I think the last time we were here -- the number of other overlays in the city, so the conditional overlay is one of the big ones, there's also historic districts, historic areas, capital view corridor, and a number of other overlay districts. You'll see that a lot of those have been maintained. They -- you know, they still apply today, and if they applied previously, they will continue to apply. And then a couple other ones, the -- gosh. >> A lot of the downtown ones, downtown creeks, downtown parks, they've been collapsed into one overall downtown overlay. >> Mm-hmm, yeah. Downtown creek. >> I think, you know, those -- like hill country may remain. >> Hill country roadway, convention center, that overlay was actually integrated into the base zone standards through the regulation of allowed uses. So this, again, will be a tool to see those overlays that remain today and the existing overlays that have been rolled forward are in 234d, division seven. You'll see the list there. I think what you're -- if I understand correctly, the bigger question is, is what happens to that conditional overlay that really is the modification of the regulations as implementing that neighborhood plan. You know, relating the traffic, regulating the height, regulating the allowed uses. And, again, I think this is gonna rely heavily on the ability -- heavily on the mapping process and figuring

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out, do we have -- have we created new tools that can essentially achieve the same overall goal as that overlay, as that conditioned overlay in these areas? And where we can and where a new zone would apply and to have that same effect and we're able to map with the new zone. And then those conditional overlays which are too complex, there's too many variations, too many standards and we can't find a better tool or a better zone to have the same effect and meet those same objectives, then that conditional overlay will remain. >> Houston: So I guess I'm talking about things like the neighborhood conservation combining district and central urban redevelopment district, where those districts, those overlays were put in place at a time in our history where we were trying to incentivize development in certain areas. That's no longer an issue now, yet those are going to be adopted in the base zoning? That's what I'm not understanding, is that what happens to those who historically were done for a part -- for some reason, sometimes with the agreement of the citizens who live in that area because they, too, wanted to help the city revitalize an area. Now that that part of the city is revitalized, why do we keep those still on the books? I guess that's my question. >> Sure. >> Houston: Because what are the new tools now because that's not an issue for us now, so what are the new tools that y'all have in place to be able to mitigate some of those impactful overlays? >> Sure. So, councilmember, you may be talking about the east 11th street, east 12th street. >> Houston: Neighborhood combining districts, all of those impact east Austin. >> In the central urban redevelopment, the cure -- if council would certainly give direction to do away with the central urban redevelopment district, you know, staff would take that into consideration.

[2:34:25 PM]

If you're suggesting getting rid of the east -- the two eastern corridors, east 11th, east 12th street, this did ccdds, we were not intending to get rid of any of the nccds because those were done with a lot of input and those actually regulate down to the half block or block level and so, no, those weren't intended to be removed. That's not to say they wouldn't be removed in the future, but just like fairview, nccds or Hyde park nccds. >> Houston: I understand that, but the difference is Hyde park and fairview do in fact protect the neighborhoods, where the neighborhood conservation combining district that impacts 11th street or 12th street -- >> Both of them. >> Houston: Both of them, 11th and 12th street do not in fact do any neighborhood conservation, in fact it negatively impacts the neighborhood. So I understand what you're saying. You've said the same thing. I just need to make sure people understand what we're putting in place is bad plans on top of bad plans. That's what we're doing. We're just modernizing the bad plans. >> Councilmember, I think you have an option. As we go through this and talk about it -- okay, I'm fine. >> Houston: Okay. >> As we go through and talk about it, these can be policy issues that as you move through looking at what the code is, that you can address those through policy issues and changes in the policy. So what we're really saying is, at this point, we don't have the authority to change that, but you certainly do, as you go through the code and as the final determination on what you want in this code, there are a number of different policies that may rise to the top that prevent you from doing what you want to do. And if that is the case, then this would be the opportunity for you to make those changes in the policy in order for you to accomplish the things that

[2:36:25 PM]

you want to accomplish. >> Houston: Thank you. And I'm sorry that you didn't have a seat. I apologize. Oh, my goodness. >> Councilmember Houston, sorry, just to build on assistant city manager Edwards'

point there, it's my understanding the process has begun to relook at the 12th street nccd so that's an opportunity to think about the policies that exist in that nccd and whether -- whether now -- as you described, development has come to 12th street, has come to 11th street. Now is it time to rethink some of those policies? But those are really activities that can happen concurrently with codenext but they're not really part of the process that we have. But we have tools that can help you as you get closer to new policies to implement those policies. >> Houston: So that's helpful to know that you do have tools that will help implement new policies rather than tools that will keep the same policies in place. So I appreciate that. One other -- several other questions. On -- I think it's slide 30. One of the things that I think as a member of council that I dread every Thursday is zoning because I was hoping that y'all would come up with a way so that most of those would be determined at another level and it would be fine, no negotiating up, no negotiating down. And so I guess my question is, how much discretion is based upon either staff's administrative approval of some of these codes and will that still be in place once we adopt the codenext? Of the transsecretaries of the new zonings. Will staff still have the opportunity to have administrative decisions over either granting additional height because it's the negotiation. People come in, they buy a piece of property, they know it's zoned something.

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Now I don't know what it's gonna be called but they know it's zoned industrial or commercial, and then they start with our staff to negotiate different kinds of zoning or to put different uses on that zoning. Help me understand how that's gonna be different under what you're proposing as to the way it operates in reality now. >> Yes. So the -- we have simplified and changed the process a little bit, and this is something that we do intend to come back to the council and present more, more holistically on the updates and improvements to the overall entitlement process, so not just the zoning process but site plans, scab division, and overall code appeals, hearings, nonconforming use and so on and we've worked -- we spent a considerable amount of time working with the city attorney's office to understand and improve and make sure that the city meets state requirements in terms of these types of decisions. But in terms of what processes may change, so without, you know -- assuming that the council gives the direction to go forward without the conditional overlay process, moving forward, then there would not be this opportunity to have negotiated dealings during a rezoning. Rezoning is distill possible, and the council will still have the authority to do rezoning and do map and text amendments. However, there would be additional processes at the staff and at the land use commission level to deal with minor use permits, which is a new process. That's a staff-level approval. That deals with reviewing potential applications of considerable -- potentially conflicting land uses so the staff level approval, it's

[2:40:29 PM]

new. There also is a new conditional use permit process that we've developed and we'll be presenting in a couple weeks with more information. But the conditional use permit process is indeed new, although the city does have a cup listed in title 25, there's not an actual permit process. All these conditional uses just go to conditional site planning. So what we've done is we've cracked that in two so there is a land use commission approval of a conditional use permit, at which point the land use commission can apply conditions of approval to ensure compatibility with the surrounding neighborhood and then go forward with an administrative staff-level site plan review. And, again, so this is an opportunity to utilize star shade, director-level approvals as well as land use commission and board of adjustment so these types of decisions don't always need to go to the council. >> Councilmember, I think that the one thing that -- that is very different from what we have in the current code is having these transectss, I think having the transects available may actually allow us to avoid maybe some of the conversations we've had over

P.U.D.S that go over the course of a year because you have another tool someone could use and not have to negotiate a very painful decision that may last months or well over a year because there's something else to look at that works well together with -- within itself and you could zone to provide a more compatible situation with the surrounding neighborhoods. So zoning might not go away, but it could be less painful in the sense that there would be more clarity so people know what the districts are and know what would be allowed in them and how they would be applied. And so from that sense, maybe the discussions become much

[2:42:30 PM]

shorter. Also as Peter mentioned in a prior meeting, having these tools, it becomes easier to actually do planning. We can go back and do some more planning that we may not have had the opportunity to look at areas that may be expanding or redeveloping. We can go back in those areas and then apply these new tools after we've gone through a planning process. And so I'm hopeful and I think this is a good thing in the future because I think zoning will become easier and we'll be able to apply it easier in the future. When the code gets adopted. >> Houston: Thank you. I'm hopeful as well. This is my last slide, and it's on 45. And in the non-transects zoning district you said there are 14 acres of land within this zoning district that go up to 120 feet or is that -- is that -- was that 14 acres of land? >> Yes. So -- >> Houston: Could you tell me where that acreage is? >> So, yes, to clarify, so there are 14 -- so just to put this back into context, so we're talking about area that's within 100-foot buffer of a low to medium density residential zone, which would be your la, rr, sf-1, sf-2, sf-three, sf-4, and sf-5. What we did was we did a gis analysis which involved a lot of bufferrings to figure out if you look in the city where all those areas are, sf-1, rr, sf-2, et cetera, that I just listed, and you do a 100-foot buffer of all of those Zones, how much -- how much of that land is within 100 feet of a mf-5 and mf-6 or a highway commercial? Those that have the potential

[2:44:31 PM]

to be 80 feet or 90 feet in height. And there are only 14 acres scattered throughout the city that are within that 100-foot buffer. So what we were -- what we determined through that was that there's the potential -- there could be the potential of only 14 acres that would have a steep impact from a 35-foot to potentially 80 feet within a hundred feet. Yes, that's still a hundred feet away. That's not your neighboring property. That's a hundred feet away. You could have up to 80 feet, only 14 acres. And I don't have a map that shows that. >> Houston: So if you could share that with the council I think we would all appreciate that. Appreciate that. I promise this is my last one. What are the expectations about affordability. We always talk about increasing density, how that's going to have a positive impact on affordability. So help me understand what those expectations are for affordability if we roll-out all of these different transect Zones. Did I talk or does something happen? I thought I had a stroke and nothing came out. [Laughter]. >> On affordability, there's opportunities in the code to have what's called missing middle housing, when we don't have currently as easily. That would provide for a greater number of units, but that are more in scale for some of the neighborhood areas. Also, you know, regarding affordability, a lot of what you're going to see is areas that may be along transit corridors, nodes, certain other areas will provide for

[2:46:32 PM]

density bonus that's we have today. And when we look at density bonuses, the key is actually to getting them to be in the right place. So we're working with [indiscernible] In northwest to try to define those

locations where there's still an incentive to build but if they build a little bit more, we can get some more units. Codenext by itself will not afford -- will not make the city affordable by itself. We'll still probably need tax credits to go forward, you still might have affordable bonds that would come in and assist property owners of lower income or renters with those different -- different programs. Affordability is very difficult. There may be relaxation of parking in some instances or transit corridors that might make it more affordable to actually build more units without having the cost of providing that additional parking where it's not necessary. It might provide more clarity of what you can build and build by right than -- which we don't have today. So someone going in, building a building may not be assured that they could actually build the building they think they are going to build because the code is not as clear. So it would provide that ability to move forward because they would have more surety of what they could build, where they could build it. Those are some of the tools. I think Alex and Joyce you may want to add a couple more things to what I have just added. >> You summed it up pretty well. I think the key thing to understand is that the code can only -- can only address certain aspects of affordability. And not capital [indiscernible] Affordability except within the density bonus program. So that isn't the city throwing money at a project to buy affordability. It is trying to work with

[2:48:32 PM]

the private sector to provide affordable units on a site in a mixed income building. So that requires an incentive, so that's where the density bonus comes in. The other types of affordability is expanding the types of housing, the variety of housing. Those could be all of the building types that are in the new transect Zones, stack flats, quadexes, those are generally smaller units on the same area of land and generally less expensive than the alternative which you have now, which is just to tear something down and build one large single family unit which ends up being very expensive. That's lower case affordability, just a broader spectrum of housing types, small adus, townhomes, anything in between. >> Casar: My comments I just wanted to make a general comment in response to some of the questions that councilmember pool asked. For me I wanted to get back to the mapping point, when folks have asked me the questions of what -- what changes in zoning folks are going to have. Ultimately I think that decision comes down to -- to obviously there will be recommended maps from the staff and the consultants, but a decision on us about what things -- what we mapped where. And I guess for me I just want to make sure that when we're talking about this, when I'm talking about this, folks understood that things are changing now in a way that I don't like and I think that many of our constituents and people that come and speak to us don't like. And I -- if through -- if there's millions of dollars in consulting fees and stuff time and everybody's -- staffing time, everybody's

[2:50:33 PM]

brain space, I won't be happy with a two or 3% -- if we are on a path gentrifying more rapidly, becoming more and more segregated, where folks have less and less options in our city, I want to do whatever it is that we can to make sure that this helps change that course. I know this in and of itself can't do it and I appreciate your comments that this -- this and councilmember Houston's point that this isn't going to solve the affordability problem in Austin. But I do think that it comes down in the mapping phase for us to do the mapping that we can and not to focus necessarily on how many plots of land have a different zoning category than they did before. But how, what it is that we do positively changes the direction of the city. So for me, I'm -- while it would be interesting to me to know sort of the -- sort of what zoning categories change to what, I just want to communicate what's of most interest from my perspective is how is what you all are doing changing the trajectory of where the city is heading from a trajectory that I see as very damaging in some ways towards something better. And so that's -- those -- just a preview for

you all, those are the questions that I'm most interested in because I think that what is happening now isn't acceptable and I know this can't fix everything, but I want it to trend in the right direction, especially as it relates to economic and racial integration in our city, having neighborhoods that better support our public transportation and thinking about environmental stewardship within our city borders. And so those will be the metric that's I'm most how and where to map these new Zones. >> Mayor Adler: Ms. Alter? >> Alter: Thank you. I'm excited as the prospect of codenext succeeding.

[2:52:34 PM]

I think we're doing a lot of damage to our future by moving forward with growth one zoning case at a time, so I really welcome the opportunity for us to have some tools that allow us to implement our comprehensive plans and to be more thoughtful in how we proceed. As I think about the success of this, it's going to be about whether we're giving the city of tools to have more power and more ability to direct what happens so that we can achieve a connected city and we can be more walkable and green. Right now, as I see it, the biggest problem is that the negotiation process, because we have to negotiate everything, leaves everything in the power of the developers. And does not allow for the city to be putting the public good forward with our best foot forward. So I'm going to be trying to evaluate this as I look at it, you know, are we able to accomplish those goals and I've heard a lot of things about how it makes it easier for people to build and while we need to do that and we don't want to be a city where people don't want to build and there's no doubt that it's too complicated now, we also want to be a city that people live in. And enjoy and have quality of life. And this ultimately has to be a tool to allow us to move forward on that. That being said, I do have a bunch of kind of disparate questions, forgive me because I'm learning the new code and the old code at the same time that creates more confusion, I think, than people who are just trying to catch up with what you're proposing. So forgive me on that. First of all, I would like for you to define for me what would be considered upzoning in your mind. Because I have a lot of constituents who are concerned about this process leading to upzoning and I'm trying to understand what that term means to you when you say we're not upzoning,

[2:54:34 PM]

we're just implementing the code versus what it means to other people. I guess upzoning can be thought of in a variety of ways. I believe you're right, councilmember Adler -- >> I'm alter, he's Adler, just for the record. I wanted to take the opportunity, I'm getting that a lot. >> At ler is somewhere in between. Upzoning in my perspective would be the application of a -- of a zone with some form of an entitlement, massing density, intensity, dwelling units per acre. That is in addition to what would be allowed given all of the various other layers of zoning that are applied on that property today. If you take into consideration a base zone but under that base zone today there are a series of other tools, whether that be neighborhood plans or conditional overlays or compatibility requirements, design guidelines or modifications to that base entitlement modifying that in a way that would allow additional intensity height development I would consider an upzoning. >> Alter: On the case that you are adding ads where you are not currently allowed be a case of upzoning? >> I think the short answer might be yes in an Adu

[2:56:35 PM]

wasn't permitted before. We do have cases, too, where people have asked actually what might be referred to as down zoning. Under the current code there's a hierarchy of zoning kind of based on intensity, we've had some people that may rezone a property from retail or office to multi-family that's

not necessarily an upzoning, but certainly there might be constituents that may have a concern of going from an office or retail zoning to multi-family zoning. So different entitlements. So it may not necessarily be considered upzoning if you are just changing those entitlements going from retail to residential. Adu may be seen as upzoning, but if it's a duplex it may not necessarily be seen as up zoning to have a separately attached residential unit. I will leave it at that. >> I think the point of this is to go to something that's more simple. So I'm a little bit -- a little bit concerned that everything has its nuance and so it's not so simple and maybe it's just the nature of the beast and we can't get there. But I don't want to take more of my colleagues' time on this. I will flag there have been concerns raised specifically about ads because it seems they are being applied to cases, anything above 10,000 square feet which then makes it apply to a lot of other areas. Budgets flag you at something that people are asking about and are concerned about and totally apart from whether one likes adus or not, it's a question that I think is out there. My next question is on height. I'm trying to understand from what you have presented seems like we have, you know, this sort of downtown area where we're allowed to have a lot more height and sometimes it's 120 feet, sometimes it's 16 floors that we're talking about. But then it kind of drops down to five floors

[2:58:36 PM]

elsewhere. Could you help me understand, given what you know about the city, if we were outside of the downtown core, when would you recommend going above five stories or what does this analysis suggest would be the situation in which you would consider going above if you don't have a density bonus for affordable housing? Going on? Like when would you go up? I think those areas I mentioned previously, that would allow for that greater height, perhaps 120 feet or taller. Those are really limited to those three areas that I mentioned, downtown, the domain has been an area. And then the Robinson ranch. >> Alter: If I'm outside of those three areas, I shouldn't be going -- >> No. I'm saying those are the areas where you heard most about the T 6. I think there might be other areas of the city that may afford themselves more height. You might be at the intersection of two major roadways, highways. Maybe 183, 360, 183 or 35 at 290 or something. You would be pretty far away from most residential uses, low intensity uses. So that might be appropriate for I think the CC district that -- commercial highway, not CC, hc district, which is now ch, [indiscernible] Highway district, because those areas might be appropriate for greater heights. Some some of the T districts may allow for additional heights. We also have puds, that would not go away with this process. Likely those could be used. >> I also think there's an important thing to

[3:00:36 PM]

understand about how the code is trying to recognition there's different construction typologies, you have hybridized, which is steel and concrete that requires you to be in a very, very hot part of your market, which happens to be downtown. So there's -- there's an effort to sort of align policy with best practices and construction typologies. So right now, mid rise construction typology is actually topping out at six stories, not five stories, but six stories. So that's why you see the big gap. Also why you see, there's not will much good -- really much good to be had in zoning a lot of the city for high rise construction because there wouldn't be the market demand to build it. It doesn't get you much in essence to color with that color in a Broadway. >> Thank you. So Mr. Guernsey, you brought up my next question, which is a large percentage of at least the angst of overzoning has been centered on the pud cases and I'm trying to understand how codenext will offer some relief from the constant wave of pud cases. I have been in office since January 9th and I think that I've got maybe three or four more that are in the works for my district. In six weeks. I'm curious to what extent is this going to help affiliate some of

those pressures and some of that angst in how that plays out? >> In the short run until the end of the year, I'm not sure that you will see much relief unless there might be a developer that might be willing actually to wait and see how codenext would come in. The existing puds, as -- as

[3:02:38 PM]

we've talked about, we're not suggesting that those go away. That those basically remain the same. But there may be less of an incentive to do a new one, knowing that these new tools are available in the future that might make it easier to go through their process. We have updated our pud process, I think a couple of times in the last -- I think 10 years. I think there's been two, two major changes to the puds. The pud process itself. We're not suggesting a change to the one that we have right now. Although there may be some processing changes that are clarified that are in the code. That Kathryn mentioned. Tier 1 - [audio problems, please stand by] >> I can share you with some experience from Denver, but the high reliance on puds now is -- is a symptom of -- of a code that doesn't work for you. In other words, to get the development that achieves what imagine Austin wants, what the market is demanding, is -- the zoning today doesn't -- you don't have the tools to get there. So you have to go to the pud page to figure out how to create a completely customized regulatory new zone. So you have -- there are two things that -- that I think we hope to look forward to. Number 1, when we -- when we remap and apply new better zoned districts, the necessity to have to rezone a parcel to be consistent with imagine Austin and aligned with the market demand on the part of a

[3:04:38 PM]

property owner goes away because if we legislatively remapped these, the city is essentially prepared and helped direct the desired growth and the desired outcome by already putting that zoning in place on the ground. Right? So that -- that's a big accomplishment. The second thing is that if there is a future rezoning request, with a better zoning code, you are equipped with Zones that do a better job to get to the end, theouts come that you want. So the -- the outcome that you want. The necessity to create, create the customized pud zoning, goes away. And so -- so I can tell you in Denver when we remapped about 82% of the city was rezoned. With adopting a new zoning code. Reliance on what we call waivers and conditions, which are your cos and nccds kind of thing dropped dramatically, the utilization of puds dropped significantly. What has happened in that high growth city is there's just been -- for the amount of development happening, there's -- there's been far fewer rezonings necessary to accommodate the development that's going on there today. So there's more focus on -- on -- on not rezoning land in order to -- to get the development, but in fact the planning department has the ability to spend more time on planning rather than negotiating and managing and administering rezoning cases. >> Alter: Again, there's this language of how this facilitates people to develop what they want to develop. So what I would love to understand is if we get rid of puds, then we are also getting rid of our ability to -- to get community benefits at the same scale, unless we have it built into

[3:06:39 PM]

the zoning process. So that's -- so that's -- this may not be the appropriate time, but that's what I would like to happy to move away from puds, I just want to understand that piece of it, not -- not just have the conversation be about how we're making this more certain for those people who want to develop, which is a benefit that we need to move towards, but also how does this allow us to provide those community benefits that we are otherwise able to do with other tools. For better or worse. So maybe I can have that conversation with someone unless you want to share that. >> I think the new code will do

a better job at providing connectivity and parkland open space. That you see would maintain in a -- in the tree protections that we have, what Alex spoke about, about the -- providing the density bonuses. May actually get you to those affordable housing units. So units being created -- not necessarily -- might be one that would be the [indiscernible] To get to that affordability but provide some of that benefit back. Puds still have a place. Certainly in our code. Because there's going to be some unusual circumstance that would come up. Many years puds were used more as an environmental tool to do tradeoffs in areas that had environmental, critical environmental features. More sensitive areas and as of late, they have been more urban and the negotiation and discussion has mainly been about affordable housing. I'm hoping in the new code, when we go through and apply the mapping, the housing issues would be one that would be the regular code that we have rather than resulting and going forward with the pud. >> Thank you.

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Ms. Garza? >> Garza: I should have learned a lesson to not give up the floor. But -- now I forgot my question. It's this slide. I still don't -- I'm still having a hard time understanding what this means. Thank you for clarifying that 31 was supposed to be transect because that was confusing as well. Councilmember Flannigan you said we don't apply compatibility in transit, is that right? >> To clarify, compatibility does apply in both transect and non-transect in different ways. The diagram illustrated here, again as councilmember Flannigan pointed out, it's very tough to conceptualize what this means in this sort of 2-d sense when you don't know what the surrounding areas are and what the potential incompatibility so to speak could be. Because this gives you the full scale of the lowest possible height allowed under the current code, which is a 35-foot height maximum. All the way up to the highest possible height outside of the downtown which is -- which has unlimited. So that's everywhere from 35 to 120 feet but that's your full range of zoning tools. So -- so what this illustrates is that within the 100-foot area around these areas that we understand the -- the city and the community want to protect, within 100-foot radius of those areas, you are restricting the height to -- to either 30 feet or 40 feet regardless of what -- what your entitlement would have been otherwise in the code. So it's offering some protections to help achieve

[3:10:44 PM]

compatibility. And then the difficulty of this is trying to -- to again, conceptualize when would it be and is it at all ever appropriate to put higher intensity Zones or Zones that allow greater height in such close proximity to an area that only has a 35-foot height maximum. This is only one consideration when we're talking compatibility. Again, Peter pointed this out as well, reducing height is one way to -- to help achieve compatibility. Mapping and -- >> Garza: I've got it. I'm sorry. This blue looks like, this is what this looks like to me. That -- that -- so the gray is saying it's the same standard, existing -- existing seems to have more protection than the blue. Looks like with -- in a non-transect zone now you could put a 120-foot building within 100 feet to a house. Is that what this is saying? >> That's correct. So within -- >> [Indiscernible]. >> At only in the -- in the instance where a -- where a single family home or a single family zone would be within 100 feet of just outside of downtown. So that CC is the commercial core and -- somewhat of the dmu, so the downtown mixed use, so if that is -- if that would be the case, that would be the intent to put a single family zone within 100 feet of the downtown. And that is where you would then see that -- that greater difference. But you are correct, councilmember Garza. That the -- the Orange shading has a scale of intensity, a scale of height limits, that beyond 100 feet that are not carried

[3:12:45 PM]

forward. >> Garza: Okay. So what's more -- what's confusing me more is when you say if you were near downtown and my understanding is non-transect Zones are not going to be anywhere near downtown. The transect Zones, the most intense start in downtown and they get less. So why do you keep saying if it were within blah, blah, blah. I thought non-transects were nowhere near downtown. >> So downtown, downtown, we have it mapped, it's likely to remain non-transect Zones, for essentially the parts that are -- especially the parts that are cdb. Essentially the cdb zone is like a pud, highly negotiated, through downtown plan where all of those regulations that are there have been discussed and really thought through very carefully. There are parts of the downtown, though, that don't have CBD zoning on them that have commercial core where you could either use commercial core or you could use the T 6 Zones. This discussion about these taller buildings has happened in downtown, for instance, around judge's hill, this discussion has happened in the past about how do we handle the fact that we have existing single family houses in close proximity to downtown, so these are -- the discussions that have happened in the past and we are saying simply here that -- that in those situations, in downtown where you have already commercial core zoning, there are situations where you may be next to a single family house, but that's already -- that's been discussed in the past already. That either that's okay or it's not okay. >> Garza: So there could

[3:14:45 PM]

be non-transect zoning within 100 feet of downtown? >> Down -- I'm just going to say and he and he transect Zones and non-transect Zones they could be in the downtown. It hasn't been interpreted whether or not downtown will use T 6. >> Garza: That slide that has a gradual change is very misleading then. There is a slight, this is urban, a little less urban, a little less urban, this is rural and then non-transect zone -- >> Could you have the domain be a situation where you would have that and then be 100 feet from a single family. >> Yeah. So the way I have been explaining -- someone explained it was that non-transect was areas that aren't ready for -- kind of not ready for these intensities yet. So I -- I may be obviously mistakenly made the assumption that would mean it was in the more -- the areas of sprawl. That we have in the city. So that's -- that's a good -- [multiple voices] -- >> In general that is true. The non-transect Zones are most often considered -- where downtown is different is that you all as a community have done a tremendously large amount of very specific planning, whether it's the great streets, the downtown plan and the -- the zoning that you have today is getting those things that you asked for in those plans. So there is not necessarily a need to -- to make a decision at this point. You need to use transect Zones or you don't. You have spent a lot of time thinking about how the buildings relate to the street, that we're focusing really on second street. All of these things have

[3:16:46 PM]

been talked about and negotiated and thought about quite a lot. >> Garza: Okay. Then when you were explaining this map, you said that there are only 14 acres that are -- that have this situation right now. But wouldn't a change now allow the entire city in a non-transect zone to have this? It wouldn't? Can you explain that? >> So a change with application of the new Zones would not increase the -- not necessarily increase the number of acres within proximity, especially if we are taking -- if we are doing what -- what we're talking about with councilmember pool and there is a similarity between the non-transect Zones and these existing areas of the community. So if you were to increase that 14 acres of -- of possibility, that would be an intentional change of the existing zoning. That you would be okay with putting a higher intensity that already exists, you are okay with putting a higher intensity zoning or mapping a higher intensity zone near a lower intensity area. >> Okay. >> To keep in mind, I've had some

citizens that said that you could put that commercial highway, what might be highway under the new code, start putting that along every intersection of every major highway where two of them come together. Well, it has to be taken in the context. So some of those may have residential, might be nearby: Probably would not go forward and start mapping those suddenly all be to the -- to the highway commercial designation.

[3:18:55 PM]

Maybe looking at what existing lands uses are, looking at what the commercial zoning is. But if we didn't show you on this table that the height is possible, we may be accused of hiding some ball saying staff is not showing you that this could happen. It could happen. It's not very likely. Staff probably would not recommend it. It probably won't appear on the map on April 18th. If I didn't show that, on an exhibit like this, there might be some that say staff is hiding the ball. We wouldn't want to be there. We want to be open and up front when we talk about this. The difficult part is until we get to the mapping stage, we don't really see the correlation between the two. >> Sorry. This image may help a little bit, understand when we talk about compatibility as you have it today, it is an incredibly powerful analysis tool to understand how far away from single family house is the entitlement that you are providing in the base zoning, you know, what are the effects. It is a great analysis tool. The problem is that it needs to be used much in the way it was used in east Riverside in that this is an analysis, now let's have a discussion about what is the appropriate zone to place -- to map that takes into account the question of what is a compatible height. Where your existing code stops is just at the analysis. It asks you to do that analysis every time a development is proposed. As opposed to saying let's take a snapshot in time and agree that we're okay with this height in proximity to single family houses. So part of the mapping process as we have described before is looking at existing policies, where imagine Austin, neighborhood plans, but it's also looking at a compatibility map and saying okay compatibility is telling us that what the neighborhood is looking for is -- is three stories and 40 feet tall. When we pick a zone and we

[3:20:57 PM]

place it on the map, do we have a zone that gives you the same uses, but already bakes in that 40-foot height. And so -- so while again the diagram was shown earlier you in theory could end up with highway, commercial, in a situation that does that. As we are mapping, we are thinking about this. But the idea is that we don't want to continue a system where every time the development happens, that analysis has to be redone, that it actually brings you back up to council level to have a discussion and I just -- just -- discussion. And I -- this drawing here where we showed south first, south congress, because there are so many single family houses we know in those areas, where those two arrows point to, we should be looking at Zones where the base entitlement in height is set for the neighborhood plans asked for and the compatibility asked for. So we would not recommend highway commercial being mapped anywhere near where those two areas are pointing. >> Garza: Okay. When I first asked, my first question was, back to slide 45, it would this -- would changes allow 120-foot building within 100 feet of sf 3, the answer was yes. Then further discussion is the answer yes but only -- only in areas where they could already do that? >> Yes. >> Garza: Okay. That makes more sense -- >> Imagine Austin as a regional center. >> Garza: The mapping will not likely allow 120-foot building within 100 feet of a -- of a sf 3 where it is not allowed now. >> Correct. >> Garza: Thank you. Okay. One more question about outreach. Are we going to have -- I appreciate the town halls

[3:22:57 PM]

that are going on right now. Are we going to have those same community meetings when the mapping comes out? >> So for the mapping meetings, there will be 10 meetings that are -- that are district based. So individual districts will have their own mapping meeting. Versus right now the open house is because it is more about understanding the new format, the organization of everything, introducing the text, those have been handled more as joint district meetings where two districts at a time are being -- >> Staff will also have office hours where citizens, property owners can come in and chat with my staff. To talk about more specifics on the property outside of those district meetings. We would actually try to have some of those office hours actually in your districts, so -- so people could -- wouldn't have to travel as far. In addition there are five topic meetings, where we will probably have more in-depth discussions on issues surrounding mobility, affordability, permitting, processing, community character, basically those -- those types of issues. So ... >> I just want to -- [multiple voices] >> Sorry, I want to make one more comment. I'm a little concerned if we start talking about who has the power and who should have the power because I think that gets us into bad spots with what we're -- what we're allowed to do in zoning. And we're -- all the time with the possible contract zoning where we can't require certain types of zoning. My understanding of codenext is more the different tools that we have to guide land development.

[3:24:58 PM]

But at the end of the day, developers can still, we live in Texas. And there are property rights and developers can still do certain things. And so -- so I would hate for there to be house bill 500 something coming up, attacking codenext because the Austin city council is talking about having this power. I think we need to be careful when we -- when we talk about that. >> The ordinances even under codenext will work carefully with the law department, still protects property owners' rights under annexation laws and project vesting. Those things do not go away. And, you know, we would like to have more work sessions with you. To kind of talk about site planning, perming and some of the -- permitting and some of the processing procedure issues that we've kind of talked a little bit about today. But the idea is that we would come back and try to keep you informed on this so you can keep up the to -- up to date as well as our citizens. >> Mayor Adler: Especially as you see questions that are being asked in the community. I think the best thing to do is actually end this meeting, we are almost 30 minutes past the 3:00, two hours that we had, we will have a better chance of doing this if we can make it predictable for people. >> Renteria: I just want to ask one question. What I want to know is how -- where does that -- the zoning that we have right now, we're proposing commercial retail on the bottom and residential on the top, where they are saying that the height on the commercial side has to be 14 feet, which is the common height. And how would that fit in there, going up to 68 feet or -- or 125, if they have to put air conditioning -- if that's going to affect cases like that coming to us, where they are saying well we're not going to be able to do it at 60 feet, if I -- if I have retail, how

[3:27:00 PM]

is that codenext going to fix that? >> We are taking a look at those issues of a higher floor plate and construction where you might have wood construction up on upper floors. So we are taking a look at that. I know the consultants looked at those issues as we talked about the height on regulations. I think that actually that discussion has been going on for a little while as we've had some of these buildings going up, mixed use, where our ordinances don't quite address some of the issues that have been coming up. >> Renteria: Okay. Thank you. >> Mayor Adler: Mayor pro tem? >> Tovo: I wanted to ask some questions about conditional overlays going forward. But I -- I respect the mayor's request that we kind of wrap up. So that we have more predictable time. But I just want to say that is an area where I'm

receiving concerns and questions from the public. And I actually have them myself about how, you know, I do think the conditional overlays have been a very useful tool to -- in terms of helping identify uses that are appropriate for particular areas. And it still is not clear to me in looking through how the current zoning classifications work, how well those uses have been parsed out. I understand that's the intent. But I've just got to get a better sense of, you know, how that works on the ground and since we didn't have a chance to really work through an example of that here today, that's a question that I look forward to talking about at our future meeting. Assuming we have any. Councilmember Houston? >> Houston: Thank you. One of the things that I would be interested in is we've talked about neighborhood plans, but so much of our city don't have neighborhood plans. How would that impact those parts of the city that don't have neighborhood plans. I would love to take each of you out on a tour of the district to be able to show you, like I've shown Mr. Mickey and councilmember Flannigan some of the effects that the current zoning we're about to bake into the future zoning have on neighborhoods.

[3:29:00 PM]

But I do have a -- a flash drive so at some point in the future, I can show you all the things that we've identified that are problematic with just turning it into a new way of doing the same old thing. >> Mayor Adler: Staff and the consultant team, thank you very much for guiding us through this process. I agree with 95% of the comments that I heard my colleagues make, which makes me feel good about the prospect. I really do think that we have a common goal. I'm not saying this is all going to be easy to get from here to there, but I am encouraged. Thank you. We stand adjourned. [End of meeting].